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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,695	06/27/2003	Nicholas W. Oakley	P16634	9642

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INTEL CORPORATION
P.O. BOX 5326
SANTA CLARA, CA 95056-5326

EXAMINER

RAY, GOPAL C

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/608,695

Applicant(s)

OAKLEY, NICHOLAS W.

Examiner

Gopal C. Ray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1- 36 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The examiner believes that the title of the invention is broad. A descriptive title indicative of the invention will help in proper indexing, classifying, searching, etc. See MPEP 606.01. However, the title of the invention should be limited to 500 characters.
3. The drawings filed on 6/27/03 are objected to by the examiner. Functional blocks/boxes in the figures especially Fig. 4 lack suitable descriptive legends. See 37 CFR § 1.84(o). Moreover, direct any inquiries concerning drawing review by the USPTO draftsman to the Drawing Review Branch at (703) 305-8404.
4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
5. Claims 10-15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner notes the following ambiguities. However, all claims should be revised carefully to eliminate all grammatical errors and antecedent basis problems.

As per claim 10, this claim is vague and indefinite. It is unclear as to how the portable device communicates with the computer system when it is detached (lines 2-3). Rephrasing and/or clarification is required.

As per claim 11, the claim has similar problems in lines 7-8 as discussed in claim 12.

As per dependent claims 12-15, the claims incorporate the deficiencies of the parent claim.

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6. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 11, 16 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 5,598,539 granted to Gephardt et al. in view of US Patent 5,929,601 granted to Kaib et al.

As per claim 1, the reference of Gephardt et al. teaches, "a portable device" in Fig. 1, element 20 and "a computer system" in Fig. 1, element 22. See also col. 1, lines 29-37; "wherein the portable device communicates with the computer system using a short range communication channel" in Fig. 1, element 50.

The reference of Gephardt et al. fails to expressly teach "primary and secondary displays". However, the "primary and secondary displays" were well known to one of ordinary skill in the art of dockable computer systems at the time the invention was made as evidenced by Kaib et al. The reference of Kaib et al. teaches the features in Fig. 1, elements 24, 46 (see also Fig. 5, element 47) and 70. It would have been obvious to one of ordinary skill in the art of dockable computer systems at the time the invention was made to modify the system of Gephardt et al. to implement the above features to obtain the claimed invention because both the prior art systems are analogous to improving docking capabilities, Gephardt et al. shows "access to larger display of base unit by a portable device in col. 1, line 48 and having "primary and secondary displays" would allow the system to Gephardt et al. to take advantage of the

many benefits provided by having "primary and secondary displays" such as using one when the other is powered off or malfunctioning.

As per claim 11, the claim recites an apparatus. However, the limitations of the claims are parallel to method claim 1 with the exception of a "memory". However, the reference of Gephardt et al. teaches the feature in col. 4, lines 28-29. Therefore, in teaching the construction and use of the device, the combination of US Patent 5,598,539 granted to Gephardt et al. and US Patent 5,929,601 issued to Kaib et al. teaches a corresponding apparatus.

As per claim 16, the claim recites an apparatus. However, the limitations of the claims are parallel to method claim 1 with the exception of a "processor". However, the reference of Gephardt et al. teaches the feature in col. 4, lines 18-20. Therefore, in teaching the construction and use of the device, the combination of US Patent 5,598,539 granted to Gephardt et al. and US Patent 5,929,601 issued to Kaib et al. teaches a corresponding apparatus.

As per claim 24, the claim is rejected for similar reasons for respective claim limitations as discussed in the rejection of claims 11 and 16 above.

8. Claims 2-10, 12-15, 17-23 and 25-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 5,598,539 granted to Gephardt et al. in view of US Patent 5,929,601 granted to Kaib et al. as applied to claims 1, 11, 16 and 24 above, and further in view of common knowledge in the art of dockable computer systems.

As per dependent claims 2-10, the claims recite various diverse subcombinations that are useable with parent claim 1. However, the examiner takes Official Notice that those subcombinations were well known to one of ordinary skill in the art of dockable computer systems at the time the invention was made. It would have been obvious to one of ordinary skill in the art of dockable computer systems at the time the invention

was made to modify the system of Gephardt et al. to arrive at the claimed invention so as to allow the system to be compatible with a widely used standard and to allow the system to take advantage of the many benefits provided by those features.

As per dependent claims 12-15, 17-23 and 25-36, the claims are rejected for similar reasons as discussed in the rejection of claims 2-10 above.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure.

Applicants are reminded that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in 37 CFR 1.56. Applicants are advised to submit any information material to patentability in accordance with 37 CFR 1.97 and 1.98.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gopal C. Ray whose telephone number is (571) 272-3631. The examiner can normally be reached on Monday - Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (571) 272-3632. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [mark.rinehart@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC central telephone number is (571) 272-2100. Moreover, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lastly, paper copies of cited U.S. Patents and Patent Application Publications ceased to be mailed to applicants with office actions as of June 2004. Paper copies of Foreign Patents and Non-Patent Literature will continue to be included with office actions. These cited U.S. Patents and Patent Application Publications are available for download via Office's PAIR. As an alternate source, all U.S. Patents and Patent Application Publications are available on the USPTO web site (www.uspto.gov), from the office of Public Records and from commercial sources. Applicants are referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-

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217-9197 for information on this policy. Requests to restart a period for response due to a missing U.S. Patent or Patent Application Publications will not be granted.

Gopal C. Ray
GOPAL C. RAY
PRIMARY EXAMINER
GROUP 2100